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The following constitutes the order of the Court.
Signed: August 9, 2023

M. Elaine Hammond

M. Elaine Hammond
U.S. Bankruptcy Judge

Attorneys for the Richard Vasquez and Robin C. Silvera Vasquez Trust,
Secured Creditor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re:

ENVIA HOLDINGS, LLC,
Debtor.

Case No. 22-50489-MEH

Chapter 11
Date: 07/27/23
Time: 2:30 p.m.
Ctrm: 11

**ORDER GRANTING SECURED CREDITOR RICHARD VASQUEZ AND
ROBIN C. SILVERA VASQUEZ TRUST RELIEF FROM THE AUTOMATIC STAY**

On June 27, 2023, the RICHARD VASQUEZ AND ROBIN C. SILVERA VASQUEZ TRUST (the "Trust"), through its Co-Trustee ROBIN C. SILVERA VASQUEZ ("Ms. Silvera Vasquez"), filed and served the *Secured Creditor Richard Vasquez And Robin C. Silvera Vasquez Trust's Motion For Relief From The Automatic Stay* (docket no. 68) (the "Motion"),¹ as supported by the declaration of Ms. Silvera Vasquez, the notice of hearing, and the amended notice of hearing of the Motion, in the within chapter 11 case of ENVIA HOLDINGS, LLC (the "Debtor"), seeking relief from the automatic stay, pursuant to the provisions of 11 U.S.C. § 362(d), with respect to real property and improvements located at 325-B Denio Ave., Gilroy,

¹ All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

1 California (as more particularly described in **Exhibit “A”** attached hereto, the “Real Property”),² presently
2 owned by the Debtor.

3 On July 6, 2023, the Debtor filed its *Limited Opposition To Motion For Relief From Stay*, as
4 supported by the declaration of Nathaniel Villareal (collectively, the “Limited Opposition”) (docket no. 72).

5 On July 7, 2023, the Trust filed the *Reply Of Secured Creditor To Debtor’s Opposition To Motion*
6 *For Relief From The Automatic Stay* (the “Reply”) (docket no. 74).

7 The Motion came before the Court initially for hearing on July 13, 2023, and a continued hearing was
8 held on July 27, 2023, following due and adequate notice.³ Counsel for the Trust and the Debtor having
9 appeared, and other parties or counsel appearing as set forth in the record of the hearing, service of the
10 Motion and supporting documents having been properly served, the Court having reviewed the Motion, the
11 Limited Opposition, and the Reply, for good cause shown, and for the reasons set forth in the Motion and by
12 the Court during the course of said hearing;

13 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follow:

14 1. The Motion is hereby GRANTED as set forth herein.

15 2. As of the date of entry of this Order (the “Effective Date”), the automatic stay of 11 U.S.C. §
16 362 applicable in the Debtor’s chapter 11 case shall be, and hereby is, terminated as to the Trust, so as to
17 allow the Trust to exercise any and all rights and remedies under the *Straight Note* dated May 30, 2019 in the
18 original principal amount of \$1,700,000.00 in favor of the Trust (the “Note”); *Short Form Deed of Trust and*
19 *Assignment of Rents* (the “Deed of Trust”)⁴ encumbering the Real Property as a first lien to secure payment
20 of the Note; and the April 9, 2020 *Addendum to Straight Note* (the “Addendum,” and together with the Note
21 and the Deed of Trust, the “Loan Documents”), and applicable law in connection with the Real Property,
22 provided that no foreclosure sale under the Loan Documents shall occur prior to August 31, 2023.

23 3. Pursuant to the Loan Documents, the Trust holds a senior-most, valid, perfected and fully
24 enforceable lien encumbering the Real Property, and all proceeds, profits and issue arising therefrom, in
25

26 ² The Real Property consists of approximately 19.24 acres, on which a home and other structures are situated.

27 ³ On July 14, 2023, the Trust served and filed the *Notice Of Continued Hearing Of Secured Creditor Richard Vasquez And Robin*
C. Silvera Vasquez Trust’s Motion For Relief From The Automatic Stay (docket no. 75).

28 ⁴ Recorded on June 12, 2019 in Santa Clara County, California, Instrument No. 24202104, as against APN/Parcel ID(S) 835-07-
002.

1 order to secure payment of all amounts owing to the Trust, which lien is not disputed by the Debtor.

2 4. The 14-day stay of enforcement provided in Rule 4001(a)(3) of the Federal Rules of
3 Bankruptcy Procedure (the “14-Day Stay”) with respect to this Order is hereby waived and excused.

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5 Approved as to form and substance:

6 FARSAD LAW OFFICE, P.C.

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8 By: /s/ Nancy Weng
9 Nancy Weng, Esq.
10 Counsel for Debtor
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EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 835-07-002

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

PORTION OF LOT 5 AS SHOWN ON MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE O'TOOLE RANCH, BEING A PART OF THE RANCHO SAN FRANCISCO DE LAS LLAGAS" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MAY 11, 1894 IN VOLUME "H" OF MAPS, PAGE 61, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE COMMON CORNER TO LOTS 5 AND 6 IN THE CENTER LINE OF DENIO AVENUE AS SHOWN ON SAID MAP AND RUNNING THENCE ALONG THE LINE BETWEEN LOTS 5 AND 6, N. 18° 50' W. 1530.21 FEET TO THE NORTHERLY COMMON CORNER OF LOTS 5 AND 6; THENCE ALONG THE NORTHWESTERLY LINE OF LOT 5, S. 71° 10' W. 284.62 FEET TO A BURIED IRON PIPE; THENCE PARALLEL TO THE LINE COMMON TO LOTS 4 AND 5, S. 18° 50' E., 954.02 FEET TO A BURIED IRON PIPE; THENCE PARALLEL TO DENIO AVENUE N. 71° 10' E. 189.00 FEET TO A BURIED IRON PIPE; THENCE PARALLEL TO THE LINE BETWEEN LOTS 5 AND 6, S. 18° 50' E., 576.19 FEET TO A POINT IN THE CENTER LINE OF DENIO AVENUE (BACK 25.00 FEET ON THIS COURSE IN THE NORTHWESTERLY LINE OF DENIO AVENUE IS A BURIED IRON PIPE) THENCE ALONG THE CENTER LINE OF DENIO AVENUE N. 71° 10' E. 95.62 FEET TO THE POINT OF BEGINNING.

EXCLUDING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

PORTION OF LOT 5, AS SHOWN ON MAP ENTITLED "MAP OF THE SUBDIVISION OF THE O'TOOLE RANCH, BEING A PART OF THE RANCHO SAN FRANCISCO DE LAS LLAGAS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MAY 11, 1894 IN BOOK "H" OF MAPS, PAGE 61, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE COMMON CORNER TO LOTS 5 AND 6 IN THE CENTER LINE OF DEMO AVENUE AS SHOWN ON SAID MAP AND RUNNING THENCE ALONG THE CENTER LINE OF SAID AVENUE, AND THE SOUTHERLY LINE OF SAID LOT 5, SOUTH 71° 10' WEST 95.62 FEET TO THE MOST SOUTHERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN DEED FROM ARTHUR C. ALVES, ET UX, TO MELVIN F. SILVERA, ET UX, RECORDED JULY 23, 1956 IN BOOK 3556 OF OFFICIAL RECORDS, PAGE 180, SANTA CLARA COUNTY RECORDS; SAID POINT BEING ALSO THE TRUE POINT OF BEGINNING OF LAND DESCRIBED HEREIN; THENCE FROM SAID TRUE POINT OF BEGINNING, NORTH 18° 50' WEST ALONG SAID SOUTHWESTERLY LINE OF SAID SILVERA PARCEL, 576.19 FEET; THENCE NORTH 71° 10' EAST AND PARALLEL WITH THE CENTER LINE, OF SAID DENIO AVENUE, A DISTANCE OF 10 FEET; THENCE SOUTH 18° 50' EAST AND PARALLEL WITH SAID SOUTHWESTERLY LINE OF SAID SILVERA PARCEL, 576.19 FEET TO A POINT ON CENTER LINE OF SAID DENIO AVENUE; THENCE SOUTH 71° 10' WEST ALONG SAID CENTER LINE, 10 FEET TO POINT OF BEGINNING.

PARCEL 2:

LOT 6 AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE O'TOOLE RANCH", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON MAY 11, 1894 IN BOOK H OF MAPS, AT PAGE 61.

PARCEL 3:

PORTION OF LOT 5, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF THE SUBDIVISION OF THE O'TOOLE RANCH", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA STATE OF CALIFORNIA, ON MAY 11, 1894 IN BOOK "H" OF MAPS, AT PAGE 61, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERMOST CORNER OF THAT CERTAIN 10 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM MRS. LETITIA BERGWITZ, TO ARTHUR C. ALVES, ET UX, DATED OCTOBER 9, 1948, RECORDED NOVEMBER 23, 1948 IN BOOK 1708 OF OFFICIAL RECORDS, PAGE 104, SANTA CLARA COUNTY RECORDS, IN THE CENTER LINE OF DENIO AVENUE (50.00 FEET IN WIDTH) AS SAID AVENUE IS SHOWN UPON THE MAP ABOVE REFERRED TO; THENCE FROM SAID POINT OF BEGINNING NORTH 71° 10' EAST ALONG SAID CENTER LINE OF DENIO AVENUE FOR A DISTANCE

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OF 10 FEET; THENCE NORTH 18° 50' WEST AND PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID 10 ACRE TRACT, A DISTANCE OF 576.19 FEET; THENCE SOUTH 71° 10' WEST AND PARALLEL WITH THE SAID CENTER LINE OF DENIO AVENUE FOR A DISTANCE OF 10 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID 10 ACRE TRACT ABOVE REFERRED TO; THENCE SOUTH 18° 50' EAST ALONG SAID LAST MENTIONED LINE 576.19 FEET TO THE POINT OF BEGINNING.

****END OF ORDER****

COURT SERVICE LIST

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